Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 252 of 2005 (S/B)

Deeptee Singh
Working as Extension Training Officer,
Rudrapur Institution of Rural Training Centre
Rudrapur, District Udham Singh Nagar.

..... Petitioner

Versus

1. The Secretary, Rural Development Department Uttaranchal Govt. Dehradun,
2. The Commissioner Rural Development Department Pauri Uttaranchal,
3. Ganesh Singh Khati working as Extension Training Officer, Hawalbagh, Almora,
4. A.K. Rajput, working as Training Extension Officer, Extension Training Centre Hawalbagh, Almora.

..... Respondents

Sri S.S. Yadav, learned counsel for the petitioner.
Sri K.P. Upadhyay, learned Standing Counsel for the respondents.

Date: July 07, 2006.

Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

Heard learned counsel for the parties.

The petitioner is holding post of Extension Training Officer in the Department of Rural Development. Next higher promotion of the petitioner is to be made on the post of Principal of the Centre. Two persons, namely, Sri Ganesh Singh Khati and Sri A.K. Rajput, respondent Nos. 3 & 4 respectively have been promoted on ad hoc basis subject to final allocation of the cadre made by the Government of India under Section 73 (2) of the U.P. Reorganization Act, 2000. The petitioner has brought on

record the notification issued by the Government of India by which the final allocation of the cadre has been made and the petitioner has been allocated the State of Uttaranchal. The petitioner has made statement in the writ petition that the respondent Nos. 3 & 4 are junior to her as is evident from the date of appointment letter and the merit list issued by the Public Service Commission on the basis of which the petitioner and respondent Nos. 3 & 4 were appointed. The petitioner has annexed merit list of Public Service Commission issued on 11th November, 2002 in which the petitioner's name figures at serial No. 11 and the name of respondent Nos. 3 & 4 figures at serial No. 57 & 27 respectively.

2. A counter affidavit has been filed in which it has been stated that according to revised merit list issued by the Public Service Commission, final seniority list has been prepared. The final seniority list is contained as Annexure No.CA 3 to the counter affidavit.

3. From perusal of the Annexure CA-3 to the counter affidavit, it is evident that there was some mistake/error found in preparation of merit list of District Training Officers/Extension Training Officers by the Public Service Commission and that mistake/error was communicated to the Commission, vide its letter dated 27.5.2002 by the Government and the Government requested to send a joint merit list of District Training Officers/Extension Training Officers. The Public Service Commission in exercise of powers under Rule 15 (3) of Uttar Pradesh Rural Development (Extension Training) Gazetted Officer Service Ruled, 1992 read with Rule 5 and Rule 8 (2) of Uttar Pradesh Government Servant Seniority Rules, 1991 relating to determination of

seniority of District Training Officers/Extension Training Officers, opened the envelopes of the candidates and according to marks obtained by them, prepared the merit list and sent to the Government on the basis of which the final seniority list has been determined. In this list name of respondent No.3 Sri Ganesh Singh Khati and respondent No.4 Sri A.K.Rajput figures at serial No. 8 and 21 respectively while the name of petitioner Deeptee Singh figures at serial No.65. The U.P. Government Servant Seniority Rules, 1991 provide that if inter se seniority of the candidate selected is to be determined into one the same shall be determined in accordance with the merit list prepared by the Public Service Commission. Thus, the State of Uttaranchal has published the seniority list which is inconformity with the list prepared by the Public Service Commission. No fault is found in it so far as it relates to the petitioner vis-à-vis respondent Nos. 3 & 4.

4. Learned counsel for the petitioner passed on a letter dated 25.03.2004 sent by the Public Service Commission to the Director, Deen Dayal Upadhyay Rajya Gramya Vikas Sansthan, Bakshi-ka-Taalab, Lucknow by which the Government has refused to review the merit list prepared by the Commission under Rule 15(3) of the Uttar Pradesh Rural Development (Extension Training) Gazetted Officer Service Rules, 1992 and Rule 5 & Rule 8 (2) of Uttar Pradesh Government Servant Seniority Rules, 1991. It is evident from the perusal of Annexure CA-3 to the counter affidavit that the Government has again pointed out anomalies in preparation of the merit list and accordingly the Public Service Commission re-examined by opening the envelopes of the candidates and checked

their marks and prepared the final merit list and sent the same through letter dated 9th September 2004 addressed to Director, Deen Dayal Upadhyay Rajya Gramya Vikas Sansthan, Bakshi-ka-Taalab, Lucknow contained in Annexure CA-3 to the counter affidavit. Thus, the assertion of the petitioner that he is senior to the respondent Nos. 3 & 4 is misconceived and so far as challenge with regard to the seniority finalized by the State of Uttaranchal is also not sustainable.

5. The petition is devoid of merit and is dismissed accordingly. No order as to costs.

(B.S.Verma,J.)
07.07.2006

(P.C.Verma,J.)
07.07.2006

P.Singh